

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE N. EVERETT,

Plaintiff, **NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

-against-

No. 21 CV 07043 (JPC)

NEW YORK CITY DEPARTMENT OF
EDUCATION, KATINA YESNICK, ANGELA LISO

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Declaration of Assistant Corporation Counsel Karen K. Rhau, dated January 28, 2022, and the exhibits annexed thereto, the Local Rule 12.1 Notice To Pro Se Litigant dated January 28, 2022, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, dated January 28, 2022, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable John P. Cronan, United States District Judge, on a date and time to be determined by the Court, for a judgment, pursuant to Federal Rule of Civil Procedure 12(b), dismissing on the following grounds: (a) Plaintiff failed to exhaust her administrative remedies as to her retaliation claim; (b) Plaintiff failed to file a notice of claim; (c) Plaintiff's federal claims are largely time-barred and Plaintiff's state and city claims against the New York City Department of Education are time-barred; (d) Defendants Yesnick and Liso are not subject to liability as employers; and (e) Plaintiff's claims of discrimination, retaliation, and hostile work environment pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., ("Title VII"), the New York State Human Rights Law ("SHRL"), New York Executive Law §§ 290, et seq., and the New York City Human Rights Law

(“CHRL”), New York City Administrative Code, §§ 8-101, must be dismissed for failure to state plausible causes of action.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court’s Order on January 5, 2022, papers in opposition to the motion are to be served on the undersigned on or before February 28, 2022, and Defendants’ reply papers, if any, are to be served on or before March 21, 2022. See ECF Dkt. No. 17.

PLEASE TAKE FURTHER NOTICE that Defendants request that the Court stay all discovery in this action pending a decision on Defendants' motion.

Date: New York, New York
January 28, 2022

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By: /s/ Karen K. Rhau
Karen K. Rhau
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STEPHANIE N. EVERETT,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION; KATINA YESNICK; ANGELA
LISO

Defendants.

**NOTICE OF MOTION TO DISMISS THE
COMPLAINT, LOCAL RULE 12.1 NOTICE TO PRO
SE LITIGANT AND DECLARATION**

GEORGIA M. PESTANA

*Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street
New York, N.Y. 10007*

*Of Counsel: Karen K. Rhau
Tel: (212) 356-2475
Matter No.: 2021-030699*

Due and timely service is hereby admitted.

New York, N.Y....., 2022

..... Esq.

Attorney for.....